

Serial No. 10/501,724
Atty. Doc. No. 2001P22564WOUS

REMARKS

Claim 28 is objected to because line 7 appears to have a typing error. Claims 13-21 and 23-30 are rejected under 35 USC 103(a) as being unpatentable over Hedengren et al. (US 5,389,876). The independent claims 13, 23, and 28 are amended herein. Claims 13-21 and 23-30 are presented for examination.

Response to claim objections

In claim 28, line 7, the word "no" was intentional. However, this limitation is unnecessary, and has been cancelled thereby overcoming the claim objection.

Response to rejections under 35 USC 103 (a)

The concept of the present invention is an eddy current measuring device that flexibly conforms to a curved surface of a test body, provides ferromagnetic amplification via a rear ferromagnetic layer, and may have a geometric or curved front surface that fits a specific test surface while the assembled device remains flexible. This combination is clarified in amendments to the independent claims 13, 23, and 28 herein. They now specify that the whole assembled device stack, including the flexible base, electrical components, and rear ferromagnetic layer, is flexible. Support for this amendment is found in Applicant's paragraph [0033]. No new matter is added by this amendment.

Examiner asserts that Hedengren in column 10, lines 18-23 teaches a flexible rear layer comprising a ferromagnetic material that at least partially covers the first (12) and second (14) electrical components. The cited lines of Hedengren are as follows: "The structure 58 may then be laminated onto a preformed ferrite substrate (not shown). This ferrite may be flexible. The presence of a ferrite backing plate (not shown) operates to intensify magnetic flux penetration into a conductive inspection surface." However, reference numeral 58 is not found in the drawings, and a "structure 58" is not defined in the text. Furthermore, the ferrite substrate is not shown, and the ferrite backing plate is not shown. Although the substrate is described as flexible, the backing plate is not described as flexible. Thus, this disclosure is neither descriptive nor illustrative to a reasonable degree of enablement, and should be disqualified as prior art.

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MPEP 2121.01 In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure...' *In re Hoeksema*, 399 F.2d 269, 158 USPQ 596 (CCPA 1968).

MPEP 2121.04 Pictures and drawings may be sufficiently enabling to put the public in the possession of the article pictured. Therefore, such an enabling picture may be used to reject claims to the article. However, the picture must show all the claimed structural features and how they are put together. *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928).

Hedengren in column 10 lines 15-16 explicitly describes the rear layer such as 19 (FIG 2c) and 20 (FIG 6c) as a passivation layer made of a dielectric, teaching away from Applicant's flexible rear ferromagnetic layer 22.

Examiner asserts that Hedengren in FIG 9 shows a flexible base 83 variably conforming to a surface of a test body. However, FIG 9 shows a probe layer 83 affixed to a Christmas tree shaped ferrite core 90, which is not described as flexible. Hedengren column 11 lines 20-23: "Conformability is provided by surface conforming form 90, wherein affixed, probe sensitive surface 83 forms an oppositely signed, close fitting complement to the irregular surface under inspection 91". Thus, the probe geometry of FIG 9 is fixed in a conforming shape, not variably conforming as in Applicant's claimed device. Hedengren's core 90 is not part of the test body 91, but is part of the probe.

Therefore Hedengren does not teach a flexible base, an electrical component, and a flexible rear ferromagnetic layer assembled into a flexible stack that variably conforms to a curved surface of a test body. This broadly summarizes the limitations of Applicant's independent claims, so fundamental modifications of Hedengren would be required to achieve Applicant's invention. The required modifications are not shown in additional cited art, so they must come from Applicant's invention. Accordingly, Hedengren alone does not support a 35 USC 102 or 35 USC 103 rejection, and Applicant respectfully requests withdrawal of the present 36 USC 103 rejections.

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Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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